

REMARKS

Reconsideration of this application is respectfully requested.

Claims 9-18 are pending in the application, of which Claims 9 and 14 are written in independent form.

Claims 9, 12-14 and 17-18 are rejected under 35 U.S.C. §102(e) as being anticipated by Kim et al. (U.S. Patent No.: 6,882,636, hereinafter *Kim*). Claims 10 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Kim*. Claims 11 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Kim* in view of IEEE 802.17.

Initially, Applicants note that *Kim* is owned by Samsung Electronics Co., Ltd. (Hereinafter “Samsung”), who is also the assignee of the present invention. The following is a quotation of 35 U.S.C. §103(c):

- (1) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Because the present application and *Kim* are commonly owned by Samsung, and *Kim* only qualifies as prior art under 35 U.S.C. §102(e), the above section applies to the present application. Therefore, under 35 U.S.C. §103(c) *Kim* does not qualify as prior art for the rejections made under 35 U.S.C. §103(a) in the present Office Action, namely Claims 10-11 and 15-16. Therefore, Applicants believe Claims 10-11 and 15-16 are in allowable condition.

With respect to Claim 9, the Examiner states that *Kim* teaches all limitations of Claim 9. Applicants respectfully disagree. Claim 9 recites “an exclusive OR element for performing an exclusive OR operation on a symbol-by-symbol basis” between the bi-orthogonal sequence and

the mask sequence, so as to output a single encoded symbol sequence. The Examiner points to column 11, lines 37-44 of *Kim* as teaching the exclusive OR element. However, as pointed out by the Examiner, *Kim* teaches an adder that adds the encoded input information bit received from all of the multipliers. An adder is not an exclusive OR element, which performs a different logical operation with respect to input values according to Boolean algebra and having different truth tables (e.g. 0 ADD 0 = 0, 0 ADD 1 = 1, 1 ADD 0 = 1, 1 ADD 1 = 1; whereas 0 XOR (Exclusive OR) 0 = 0, 0 XOR 1 = 1, 1 XOR 0 = 1, 1 XOR 1 = 0). Therefore, *Kim* does not teach an exclusive OR element as disclosed in Claim 9. As such, Applicants believe Claim 9 is in allowable condition.

With respect to Claim 14, the Examiner states that Claim 14 is rejected as performing the method of the apparatus in Claim 9. Therefore, Applicants believe for the same reason stated above with respect to Claim 9, Claim 14 is in allowable condition.

Claims 12-13 are dependent claims of Claim 9 and Claims 17-18 are dependent claims of Claim 14. Applicants believe for at least the same reasons stated above regarding their respective independent claims, these claims are in allowable condition.

Accordingly, all of the claims pending in the Application, namely Claims 9-18, are in condition for allowance. Should the Examiner believe that a telephone conference or personal

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interview would facilitate resolution of any remaining matters, the Examiner may contact

Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written over the printed name.

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